



CITY OF MILPITAS

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479

GENERAL INFORMATION: 408-586-3000, www.ci.milpitas.ca.gov

4/21/2015

Agenda Item No. 13



ATTACHMENT RELATED TO AGENDA ITEM AFTER AGENDA PACKET DISTRIBUTION



BDK CAPITAL, LLC.

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April 17, 2015

The Honorable Mayor Jose Esteves
City of Milpitas
455 E. Calaveras, Blvd.
Milpitas, CA 95035

RE: Public Art Ordinance 38.821

Dear Mayor Esteves:

We are writing to express concern about a pending Public Art Ordinance that is currently before the Council. Proposed Ordinance 38.821 is proposing that 1% of a project's value be spent on public art, either in the form of a fee to the City or as on-site art that is publicly accessible.

We recognize the value of public art and integrating public art into a new project. However, we are requesting that you and the Council consider implementing this requirement on a sliding scale.

Large developments, such as the proposed Landmark Towers project on Barber Lane, bring significant public benefit in addition to the public art component. However, at a \$300,000,000 estimated project cost, the art fee component would add an additional \$3,000,000 to the overall project cost, which we feel is excessive given the competition for project dollars of other worthy project components such as sustainable design, and public open space.

As a solution, we are proposing that you and the Council consider adopting a sliding scale art fee structure whereby high dollar projects would pay a smaller percentage towards the art component. For example, projects valued at:

\$10 million to \$99 million	0.6% of project's value or building permit valuation
\$100 million to \$199 million	0.5% of project's value or building permit valuation
\$200 million and above	0.4% of projects value or building permit valuation

We sincerely appreciate your, and the Council's consideration of this matter.



Kin Hui
Manager, BDK Capital, LLC

cc: Councilmember Garry Barbadillo
Councilmember Debbie Indihar Giordano
Councilmember Marsha Grilli
The Honorable Vice-Mayor, Carmen Montano
City Manager, Thomas C. Williams